

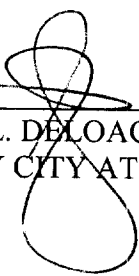
Entered - 1-14-10 sb
CL 10L0014- GWENDOLYN BURNS

CLAIM OF: MARVIN JOHNSON
1392 Northwest Drive, NW
Atlanta, Georgia 30318

10- R-0371

For property damages alleged to have been sustained during a tree trimming project in December 2009 at 1392 Northwest Drive, NW.

THIS ADVERSE REPORT IS APPROVED

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

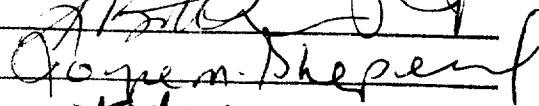
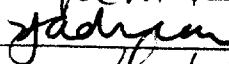
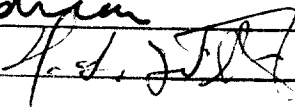
ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 2/23/10

CHAIR: 

MAR 01 2010

ADVISED BY
CITY COUNCIL

MAR 01 2010



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6030
FAX (404) 658-6273

March 9, 2010

Mr. Marvin Johnson
1392 Northwest Drive, NW
Atlanta, Georgia 30318

10-R-0371

Dear Mr. Marvin Johnson

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on March 1, 2010. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division at (404) 330-6400.**

Sincerely,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 10L0014

Date: January 27, 2010

Claimant /Victim MARVIN JOHNSON

BY: (Atty) (Ins. Co.) _____

Address: 1392 Northwest Drive, NW, Atlanta, Georgia 30318

Subrogation: _____ Claim for Property damage \$ 757.30 Bodily Injury \$ _____

Date of Notice: 1/13/10 Method: Written, Proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 _____ X Ante Litem (6 Mo.) _____ X

Date of Occurrence 12/09 Place: 1392 Northwest Drive, NW,

Department _____ Bureau: _____ Office: _____

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant alleges that he sustained a broken sign and fence during a tree-trimming project along Northwest Drive. However, an investigation has determined that the City did not engage in projects of this nature. The claimant has been advised to pursue his claim with Georgia Power Company.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report _____ Other X

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial _____


Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____

City not involved X Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

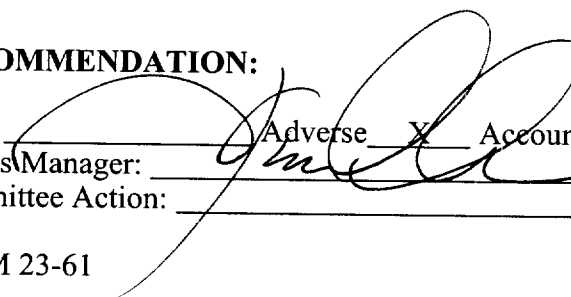
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: General Fund _____ Water & Sewer _____ Aviation _____

Claims Manager:  Concur/date 02/11/10

Committee Action: _____ Council Action _____

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, SW
Atlanta, Georgia 30303

RE: CLAIM FOR DAMAGES

Today's Date: 12-28-09

Dear Municipal Clerk:

ENTERED - 1-14-10- SB
10L0014 - G. BURNS

BURNS
01/13/10
J

This is to notify the City of Atlanta that I have suffered damages in the amount of \$ _____ property and/or \$ _____ bodily injury for which I contend the City is liable.

1. Date of incident: NOTICED DEC EARLY 2. Time of incident: MIDAY 3. Police called: _____
4. Location of incident (including street address): 1392 NORTHWEST DR. N.W.
5. Name of your insurance company: _____ Policy No. _____
6. State what and how incident occurred: I NOTICE TRUCK WITH
BUCKET LIFT CUTTING TREE LIMBS
ALONG NORTHWEST DR & IN FRONT DRIVEWAY
HERE, ... 1392 N.W. DR. LATER NOTICE WOOD NEAR SIGN DOWN.
LIMBS CUT ABOVE SIGN, ... FENCE WIRE DOWN ALSO.
7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle.

Your vehicle: _____
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: _____
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: _____
10. The acknowledgement of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. Claims must be received within 6 months from the date of the event.

I HEREBY SWEAR OR AFFIRM THAT THE
ABOVE INFORMATION IS TRUE AND
CORRECT.

Signature of Claimant

MARVIN JOHANSON
(Print Claimant's Name)

1392 NORTHWEST DR NW
(Address)

ATLANTA GA 30318
(City, State and Zip Code)

404.794.7657
(Work Number) (Home Number)

10- R -0371

		03-01-10
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSE ON CONSENT
1. 10-O-0275	36. 10-R-0350	42. 10-R-0356
2. 10-O-0276	37. 10-R-0351	43. 10-R-0357
3. 10-O-0277	38. 10-R-0352	44. 10-R-0358
4. 10-O-0278	39. 10-R-0353	45. 10-R-0359
5. 10-O-0279	40. 10-R-0354	46. 10-R-0360
6. 10-O-0289	41. 10-R-0355	47. 10-R-0361
7. 10-O-0290		48. 10-R-0362
8. 10-O-0291		49. 10-R-0363
9. 10-O-0292		50. 10-R-0364
10. 10-O-0293		51. 10-R-0365
11. 10-O-0294		52. 10-R-0366
12. 10-O-0296		53. 10-R-0367
13. 10-O-0241		54. 10-R-0368
14. 10-O-0307		55. 10-R-0369
15. 10-R-0334		56. 10-R-0370
16. 10-R-0335		57. 10-R-0371
17. 10-R-0390		58. 10-R-0372
19. 10-R-0395		59. 10-R-0373
20. 10-R-0407		60. 10-R-0374
21. 10-R-0411		61. 10-R-0375
22. 10-R-0394		62. 10-R-0376
23. 10-R-0396		63. 10-R-0377
24. 10-R-0338		64. 10-R-0378
25. 10-R-0339		65. 10-R-0379
26. 10-R-0340		66. 10-R-0380
27. 10-R-0341		67. 10-R-0381
28. 10-R-0342		68. 10-R-0382
29. 10-R-0343		69. 10-R-0383
30. 10-R-0344		70. 10-R-0384
31. 10-R-0345		71. 10-R-0385
32. 10-R-0346		
33. 10-R-0347		
34. 10-R-0348		
35. 10-R-0349		